

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TENNESSEE, EASTERN DIVISION

HAROLD MILLER,

Plaintiff,

V.

Case No.

LAWYERS TITLE INSURANCE  
CORPORATION,

Defendant.

## NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendant Lawyers Title Insurance Corporation (“Lawyers Title” or “Defendant”) hereby removes this action from the Circuit Court of Weakley County, Tennessee, to the United States District Court for the Western District of Tennessee, Eastern Division. The removal of this action is based on the following:

1. Plaintiff filed suit in the Circuit Court of Weakley County, Tennessee, seeking to recover for breach of contract and breach of the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-109. This case allegedly arises out of Defendant's denial of Plaintiff's claim pursuant to a policy of title insurance.

2. As is more fully set out below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 and § 1446 because Defendant has satisfied the procedural requirements for removal, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332.

I.

REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER  
JURISDICTION PURSUANT TO 28 U.S.C. §§ 1332, 1441, AND 1446.

A. Diversity of Citizenship.

3. Plaintiff Harold Miller alleges that he is a resident of Huntington, Carroll County, Tennessee.

4. Defendant Lawyers Title Insurance Company is a Virginia corporation with its principal place of business in Omaha, Nebraska.

5. There is complete diversity between Plaintiff and Defendant.

B. Amount in Controversy.

6. Plaintiff seeks an amount in controversy in excess of \$75,000.00. In particular, Plaintiff has alleged actual damages of \$172,000.00 plus interest, costs, attorney fees, treble damages pursuant to the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-109, and any other relief to which he may be entitled. (See Complaint, pp. 5-6).

II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED.

7. Upon information and belief, Plaintiff served Defendant with the Complaint via the Tennessee Department of Commerce and Insurance on or about July 30, 2010. Accordingly, this notice of removal is timely filed because it is filed within thirty (30) days of service. 28 U.S.C. § 1446(b).

8. The Circuit Court of Weakley County, Tennessee is located within the United States District Court for the Western District of Tennessee, Eastern Division. Thus, venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446(a), a copy of all processed pleadings and orders served on Defendant, including a Complaint and Summons, are attached hereto as Exhibit "A".

10. In compliance with 28 U.S.C. § 1446(a), a copy of the Notice of Filing Notice of Removal to the United States District Court for the Western District of Tennessee, Eastern Division, that will be filed with the Circuit Court of Weakley County, Tennessee is attached hereto as Exhibit "B".

11. Defendant is serving Plaintiff with written notice of the removal of this action via his counsel, Kyle C. Atkins.

12. Pursuant to the applicable provisions of 28 U.S.C. § 1441 and other applicable statutes with which Defendant has complied, this cause of action is removable to the Eastern Division of the United States District Court for the Western District of Tennessee.

WHEREFORE, Defendant respectfully removes this action from the Circuit Court of Weakley County, Tennessee, Case No. 2010-cv34.

Respectfully submitted,

Brent E. Siler  
Mark Glover (#6807)  
Brent E. Siler (#022289)  
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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2010, a true and correct copy of the foregoing has been served via U.S. Mail first class postage prepaid to Attorney for Plaintiff, Kyle C. Atkins, Flippin, Atkins & Crider, P.C., 1302 Main Street, Humboldt, Tennessee 38343.

Brent E. Siler